



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GREAT LAKES NATIONAL PROGRAM OFFICE
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 24 2009

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dan Evanoff
J.L. French Corporation
3101 South Taylor Drive
Sheboygan, Wisconsin 53081

Re: Administrative Compliance Order
EPA-5-09-113(a)WI-01

Dear Mr. Evanoff:

Please find enclosed an Administrative Compliance Order requiring J.L French Corporation to conduct performance testing its Gateway and Taylor Plants in Sheboygan, Wisconsin. The effective date of the Order is **MAR 24 2009**

Please direct any legal questions regarding this Order to Deborah Carlson, Associate Regional Counsel, at (312) 353-6121 and any technical questions to Jeffrey Gahrns, Environmental Engineer, at (312) 886-6794.

Sincerely yours,

A handwritten signature in cursive script that reads "Bonnie Bush".

Bonnie Bush

Chief

Air Enforcement and Compliance Assurance
Section (MI/WI)

Enclosure

MAR 24 2009

**Proceeding Under Sections 113(a)(3) and
114(a)(1) of the Clean Air Act,
42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)**

3. The NESHAP, at 40 C.F.R. § 63.1503, defines a secondary aluminum production facility as any establishment that uses clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performs one or more of the following processes: scrap shredding, scrap drying/delacquering/decoating, thermal chip drying, furnace operations (i.e. melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in line fluxing, or dross cooling.

4. The Administrator of EPA may require any person who owns or operates an emission source to, among other things, sample emissions from the emission source in accordance with such procedures or methods at such locations, at such intervals, during such periods and in such manner as the Administrator shall prescribe and to provide other information as the Administrator may reasonably require, under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

5. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating regulations promulgated pursuant to a NESHAP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

6. J.L. French owns and operates secondary aluminum production facilities at 4243 Gateway Drive (the "Gateway facility") and 3101 South Taylor Street (the "Taylor facility") in Sheboygan, Wisconsin (together the "Sheboygan facilities").

7. J.L. French's Sheboygan facilities use clean charge, aluminum scrap or dross from aluminum production as the raw material and perform one or more of the following processes: scrap shredding, scrap drying/delacquering/decoating, thermal chip drying, furnace operations (i.e. melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in line fluxing, or dross cooling. Therefore, J.L. French is the owner or operator of a secondary aluminum production facility, and is subject to the Secondary Aluminum Production NESHAP at 40 C.F.R. Part 63, Subpart RRR.

8. The owner or operator of affected sources and emission units located at secondary aluminum production facilities was required to demonstrate compliance with each applicable emission, equipment, work practice or operational standard for each affected source or emission unit by, among other things, conducting a performance test by March 24, 2003, pursuant to the requirements of 40 C.F.R. § 63.1511.

9. J.L. French conducted an initial performance test at its Gateway facility on March 5, 2003 through March 7, 2003 and at its Taylor facility on March 17 and 18, 2003. EPA has determined that the performance testing conducted at the Sheboygan facilities was not properly conducted pursuant to the requirements of the NESHAP.¹

10. J.L. French owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

Compliance Program

11. By the dates set forth in Appendix A of this Order, J.L. French must conduct a compliance evaluation as described in Appendix A.

12. J.L. French must send all reports required by this Order to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

General Provisions

13. This Order does not affect J.L. French's responsibility to comply with other local, state, and federal laws and regulations.

¹ EPA previously cited J.L. French's Sheboygan facilities for failure to properly conduct initial performance testing in EPA's proof of claim filed in J.L. French's Chapter 11 bankruptcy proceeding (Case No. 06-10119)(Jointly Administered).

14. This Order does not restrict EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

15. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for J.L. French's violations of 40 C.F.R. Part 63, Subpart RRR and the Act.

16. Failure to comply with this Order may subject J.L. French to penalties of up to \$37,500 per day for each violation occurring after January 12, 2009, under Section 113 of the Act, 42 U.S.C. § 7413, and 73 *Fed. Reg.* 75340 (December 11, 2009) (amending 40 C.F.R. Part 19).

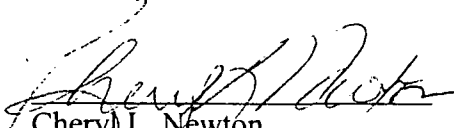
17. The terms of this Order are binding on J.L. French, its assignees and successors. J.L. French must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to EPA, at the above address, that J.L. French has given the notice.

18. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

19. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.

20. This Order is effective upon on the date of signature by the Director of the Air and Radiation Division.

3/24/03
Date


Cheryl L. Newton
Director
Air and Radiation Division

Appendix A

Performance Testing Requirements for Gateway and Taylor Facilities

J.L. French Corporation ("J.L. French" or "you") shall conduct performance testing, as required at 40 C.F.R. § 63.1511(e), for affected sources and emission units at its Gateway and Taylor facilities, as specified below:

1. J.L. French must conduct performance testing of its affected sources and emission units pursuant to the requirements of 40 C.F.R. Part 63, Subpart RRR.
2. J.L. French must submit within 30 days of receipt of this Administrator Order, its test protocol for conducting the performance testing for EPA approval. The protocol must comply with the minimum content and format requirements set forth in Enclosure A of this Administrative Order and must set forth the following:
 - a) A detailed description of the charge material that will be processed during the performance test, and justification of why that material is considered the worst case material that will be used in the course of normal daily plant operations.
 - b) A discussion of the maximum flux rates that will be used, for all gaseous, liquid and solid fluxes.
 - c) A detailed description of the operating parameters that J.L. French will monitor and record during the testing. Operating parameters must include, but are not limited to, feed charge rates, lime feed, ammonia injection rates, flux injection rates, and baghouse inlet temperature.
3. J.L. French must conduct performance testing of its affected sources and emission units pursuant to 40 C.F.R. Part 63, Subpart RRR and its approved test protocol within 30 days of EPA's approval of J.L. French's test protocol.
4. J.L. French must notify EPA of its performance test date 21 days before the scheduled test date.
5. Testing must consist of three 3-hour test runs as specified at 40 C.F.R. § 63.1511(b). For each series of test runs, J.L. French must process the same type and quantity of charge material.
6. During furnace testing at the Taylor facility, J.L. French must use EPA Method 22 to evaluate visible emissions from furnace hoods.
7. Within 30 days of completing the performance testing, J.L. French must submit a performance test report containing, as a minimum, the information outlined in Enclosure B.

8. If J.L. French has modified the capture/collection systems at the Gateway or Taylor facilities to meet the requirements of 40 C.F.R. § 63.1506(c), but has not submitted the applicable documentation to EPA, J.L. French must submit to EPA design information and analysis, with supporting documentation, demonstrating that the capture/collection systems comply with 40 C.F.R. § 63.1506(c). This design information and analysis must include schematic drawings indicating the as-built dimensions of the capture/collection systems; photographs of the completed modifications to the capture/collection systems; and calculations generating the minimum exhaust rate under the appropriate chapter (and method) of the ACGIH manual.
9. If an affected source or emission unit tested pursuant to this Administrative Order, exceeds any applicable emission standard set forth in 40 C.F.R. § 63.1505 during the performance test, J.L. French must take the following measures:
 - a. Unless informed otherwise by EPA in writing, within 30 days after J.L. French submits its performance test report, J.L. French must submit a corrective action plan to EPA for approval. The corrective action plan must include a description of all actions that J.L. French will take or has taken to achieve and maintain compliance at the affected source or emission unit and, with respect to actions that J.L. French has not already completed. J.L. French must include a schedule for implementation of those actions.
 - b. Unless informed otherwise by EPA in writing, within 90 days after submission of the corrective action plan, J.L. French must complete all corrective actions specified in the plan, submit a revised site-specific test plan to EPA for approval, and retest the affected source or emission unit.
 - c. Within 30 days after the completion of retesting, J.L. French must submit a performance test report for the retest to EPA.
 - d. If the corrective action plan submitted by J.L. French provides for retesting of an affected source or an emission unit with a different type of charge material than that used during the failed performance test, then J.L. French must not thereafter process, in that affected source or emission unit, the type of charge material processed during the failed performance test. Unless informed otherwise by EPA in writing, within 30 days after the submission of the corrective action plan, J.L. French must amend its OM&M Plan to prohibit the processing of that type of charge material in that affected source or emission unit.

Enclosure A

Minimum Content and Format of Test Protocol

General Information:

1. Name and address of each emissions facility;
2. Name, title, telephone number, and facsimile number of the contact person at the emission facility; and
3. Name, contact person, telephone number, and facsimile number of the testing company contracted to conduct the test.

Testing Requirements:

1. Identification of the emission unit(s);
2. Schematic drawing of the stack and sample ports;
3. Pollutant(s) to be tested;
4. Emission limit for each pollutant;
5. Applicable rule or regulation for each emission limit.

Operating Conditions:

1. List of the process or operating rate and conditions of the process equipment and air pollution control equipment for the test;
2. Detailed description of the charge material that will be processed during the performance test and justification of why that material is considered the worst case material that will be used in the course of normal daily plant operations;
3. List of the range of process or operating rates for each emissions unit; and
4. Description of how air pollution control and process equipment will be monitored.

Methods:

1. List of the methods to be used to determine the emission rate of each pollutant;
2. Number of test runs, length of test run, and sampling rate for each method; and
3. Summary of reasons for proposing to use any alternative or equivalent method.

Enclosure B

Minimum Content of the Test Report

Cover Page:

1. Name and address of each emissions facility;
2. Name, title, telephone number, and facsimile number of the contact person at the emission facility;
2. Identification of the emission units tested;
3. Date of the performance test; and
4. Name, contact person, telephone number, and facsimile number of the testing company contracted to conduct the test.

Test Information:

1. Test location, type of process;
2. Test dates;
3. Pollutants tested; and
4. Any other important background information.

Summary Page:

1. Emissions results, expressed in the same units as the emission limits;
2. Process data, as related to determination of compliance;
3. Emission limits and applicable regulations;
4. Description of collected samples;
5. Visible emissions summary if applicable; and
6. Discussion of errors, both real and apparent.

Operating Parameters:

All recorded operating ranges of the emission unit tested and its control device as approved in the test protocol.

Maintenance:

Description of all maintenance and operational inspections conducted between date of testing request and date of the test, including burner tuning, major cleaning operations and replacement, repair, or modification of functional components of process or control equipment.

Sampling and Analysis Procedures:

1. Sampling port location and dimensioned cross section, showing all flow disturbances including elbows, dampers, fans, constriction, and collection equipment;
2. Description of sampling point;
3. Description of sampling train; and
4. Brief description of sampling procedures and analytical methods, with discussion of deviations from standard methods, including a statement of source methods used, but not including copies of reference methods in the report.

Appendix:

1. Complete results, with example calculations, showing equations used and actual results in equation form on same or adjacent pages, using applicable equations shown in the reference method;
2. Copies of raw field data;
3. Laboratory report, with record of chain of custody;
4. Results of the above-described stack tests (including raw data sheets and all filter and beaker weights);
5. Raw production data, including the parameters listed in the approved test protocol; which were recorded during the stack tests;
6. Test log;
7. Calibration procedures and results, including Pitot tube, nozzle, meter box, thermometer, and barometer calibrations;
8. Detailed description of the charge material processed during the performance test and justification of why that material is considered the worst case material that will be used in the course of normal daily plant operations.
9. Names and titles of all employees, agents and/or contractors who participated in the emission testing; and
10. Copy of the most recent version of the test protocol and the written approval of the test protocol.

Additional Information:

1. Any other special requirement of the test method, test protocol, applicable requirement, or compliance document; and
2. Any other information necessary to evaluate compliance.

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent the Administrative Order, EPA Order No. EPA-5-09-113(a)WI-01, by Certified Mail, Return Receipt Requested, to:

Dan Evanoff, Alloy Manager
J.L. French Corporation
3101 South Taylor Drive
Sheboygan, Wisconsin 53081

Donald P. Gallo Reinhart
Boerner Van Deuren s.c.
N16 W23250 Stoneridge Drive, Suite 1
Waukesha, WI 53188

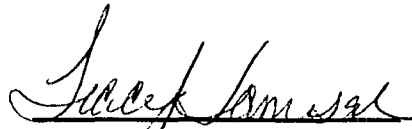
I also certify that I sent a copy of the Administrative Order, EPA Order No.

EPA-5-09-113(a)WI-01, by First Class Mail to:

Bill Yantawood, Supervisor
Southeast District Office
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212

William Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street, P.O. Box 7921 (AM/7)
Madison, Wisconsin 53703

on the 24 day of March 2009.


Tracy Jamison
Office Automation Clerk
AECAS(MI/WI)

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